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The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
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MEMORANDUM

To: Trudy Coxe
From: George Crombie
Carol Lee Rawn
Date: May 27, 1997
Re: Review of MDC Affirmative Action Plan

GOVERNMENT DOCUMENTS
COLLECTION

OCT 17 1997

University of Massachusetts
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Affirmative Action:

Affirmative Action is defined as an aggressive and coherent management program with the goal of providing equal employment opportunity in the areas of selection and promotion. Effective Affirmative Action programs provide a rational, systematic set of personnel programs that are job and performance based.

Governor Weld is a strong supporter of Affirmative Action. In a speech at Northeastern University in 1995, he reaffirmed his commitment to Affirmative Action, stating the importance of government's role in providing the standards for equal opportunity. Executive Order 227, Governor's Code of Fair Practices, provides that the State Office of Affirmative Action be responsible for implementing the Commonwealth's policy on nondiscrimination, equal opportunity and affirmative action.

Review of MDC's Affirmative Action Program:

In a letter to Commissioner Balfour on April 22, 1997, Mark D. Bolling, State Director, State Office of Affirmative Action, informed the Commissioner that the Metropolitan District Commission was in non-compliance with the Governor's Code of Fair Practices (Executive Order 227). Upon review of the State Office of Affirmative Action's findings, Secretary Coxe ordered a review of the Metropolitan District Commission's Affirmative Action Plan. Secretary Coxe informed Commissioner Balfour that she had requested George Crombie, Undersecretary of Environmental Affairs, and Carol Lee Rawn, General Counsel for Environmental Affairs, to conduct a review of the MDC's Affirmative Action Program. The Secretary further stated that a hiring freeze would be in effect at the MDC until said review was complete. The intent and scope of this review was not to evaluate a particular case, but to conduct an overall evaluation of the implementation of the MDC's Affirmative Action Program.

Review Findings of MDC's Affirmative Action Program:

1. In October of 1996, Commissioner Balfour received from Willie Brown III, Director, AA/EEO the MDC Affirmative Action Plan for 1996-98. This two year Affirmative Action Plan describes human resources management practices, policies and procedures that should be implemented by management and supervisory staff to ensure affirmative action on behalf of protected group members and equal opportunity for all MDC employees. The Plan clearly articulates the fundamental principles of an effective Affirmative Action Plan, and details the action steps for effective implementation.

Finding #1: The MDC's Affirmative Action Plan 1996-97 is a good plan and gives management the tools required to carry out an effective Affirmative Action Program.

2. Interviews were conducted with various members of the management staff at the MDC. They included the following: Willie Brown III, Civil Rights Officer, James Vieira, Human Resources Manager, Michael McDonald, General Counsel, Andrew Iovanna, Deputy Commissioner for Finance and Administration.

Finding #2: During interviews, all parties said they were committed to carrying out the MDC Affirmative Action Program; however, consistent reporting, delegation of responsibilities, and follow through of the Plan are unsatisfactory.

3. A review was made of hiring goals from March 1995 to present as provided by the MDC to EOEa.

Finding #3: There were 197 new hires:

17 Minorities hired out of total of 197= 8.6%

44 Females hired out of 197= 22.4%

Based on statewide parity, a goal of 12.2% for minority and 52% for women should be the agency's goal. Statistics alone should not be construed as the only variable in evaluating an Affirmative Action Program. A strong Affirmative Action program needs to take the following into consideration: screening, job requirements, availability of potential candidates, and a system that is fair to all applicants who apply. An effective Affirmative Action Program does not necessarily require quotas, but equal opportunity for all.

Recommendations to Ensure that the MDC Meets the Goals of the 1996-98 Affirmative Action Program:

1. Within 45 days, the MDC shall hold a one day workshop with all management and supervisory personnel to explain the intent of the Affirmative Action Plan, and to clarify each individual's responsibilities necessary for the effective implementation of the policy. The meeting structure shall be developed by the MDC Human Resource Director, Affirmative Action Director, in concert with the State Director of Affirmative Action and the EOEa Assistant Secretary for Human Resources. Participation by all management and supervisory personnel in this workshop is mandatory. The Commissioner shall notify the Secretary no later than August 1, 1997 that all identified personnel have completed said training. It shall be required that said training be conducted on an annual basis thereafter, beginning January 1, 1998.

2. By September 1, 1998, the MDC Human Resource Director and Affirmative Action Director will conduct workshops with all MDC employees and unions in order to explain MDC's Affirmative Action Plan.

3. The MDC Human Resource Director and Civil Rights Officer shall work as a team and shall be responsible for ensuring that all aspects of the plan are being implemented. This in no way negates the fact that the Civil Rights Officer reports directly to the Agency Head, but recognizes that in order to have an effective Affirmative Action Program, it must be part of a comprehensive human resource program.

The Human Resources Director and Civil Rights Officer shall submit signed reports to the EOEA Assistant Secretary of Human Resources, beginning July 1, 1997 and every 60 days thereafter. The reports shall detail the extent of MDC's compliance with the Affirmative Action Plan, as well as the actions that will be taken over the next 60 days to address any failure to comply with any aspect of the Plan.

4. All new hires, transfers, demotions, promotions, and terminations at the MDC, effective immediately, shall be subject to review by EOEA. The request for sign off by EOEA shall include a written form developed by the Human Resource Director and Civil Rights Officer that attests that the employment action is consistent with the policies and procedures set forth in the agency affirmative action plan. The Civil Rights Officer and Human Resource Director shall ensure, in concert with MDC General Counsel, that all records and forms used in the decision making process are legal and consistent with sound personnel standards, as well as the state affirmative action plan.
5. Beginning July 1, 1997 new candidates for hire or promotions shall be interviewed by an interviewing committee that reflect statewide parity figures of 12.2% minorities and 52% female.
6. All part-time, seasonal help (summer and winter), and contracted employees including 03 consultants and crossing guards shall reflect proportionately the diversity of the communities in which the MDC operates; all such hires must be approved by EOEA. In assessing MDC's performance in 1997, consideration will be given to the fact that the 1997 summer season is imminent. However, in 1998 the above goal shall be met. Further, the Civil Rights Officer and the Human Resource Director shall submit a plan to the Assistant Secretary of Human Resources no later than January 1, 1998 outlining the actions and implementation schedule that will bring diversity to the MDC's summer hiring program.
7. The overall responsibility of implementing the MDC Affirmative Action Plan lies with the Agency Head. The Commissioner shall provide the vision and direction within the Agency for ensuring that the Affirmative Action Plan is carried out in a fair and effective manner.
8. The current hiring freeze may not be suspended until the MDC Affirmative Action Plan has been approved by both the EOEA Human Resources Director and the State Office of Affirmative Action.
9. The above recommendations in no way compromise the requirements and reporting structure set out in the MDC Affirmative Action Plan 1996-1998. Said recommendations are to enhance the existing plan ensuring equal opportunity for all protected classes.

Summary:

We recommend that the 1996-1998 October Affirmative Action Plan be enhanced by the recommendations outlined above so that the goal of the Plan can be achieved by 1998. In order to reach this goal, it is imperative that MDC actively implement the above recommendations as well as the Plan in every way, and aggressively seek to incorporate the policies of the Plan into the daily operations of the agency.

